

**CIVIL CASE INFORMATION STATEMENT  
CIVIL CASES**

**IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA**

**DANNY R. BOWLES,**

**Plaintiff,**

**v.**

**APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. DAY,**

**Defendants,**

**CIVIL ACTION NO. 21-C-171-WS**

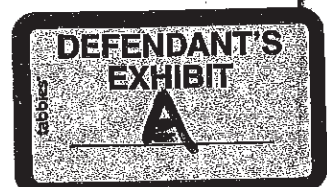
**APOLLO FREIGHT SYSTEMS, INC.  
4522 N. Damen Avenue, Apt 1A  
Chicago, Illinois 60625**

**THEODORE AMMONS  
3622 174<sup>th</sup> Ct. Apt 2D  
Lansing, Illinois 60438**

**LORI D. DAY  
1041 Francis Street  
Saint Augustine, Florida 32084**

<u>Days to</u>	<u>Service Answer</u>
30	Secretary of State by Clerk
20	Certified Mail by Clerk
20	Certified Mail by Clerk

**Original of Complaint and 2 copies furnished herewith.**



**PLAINTIFF(S): Danny R. Bowles****CASE NO.** \_\_\_\_\_**DEFENDANT(S): Apollo Freight Systems Inc., Theodore Ammons, Individually, and Lori D. Day, Individually.****II. TYPE OF CASE:**

<input type="checkbox"/> ASBESTOS	<input type="checkbox"/> ADOPTION	<input type="checkbox"/> APPEAL FROM MAGISTRATE COURT
<input type="checkbox"/> PROFESSIONAL MALPRACTICE	<input type="checkbox"/> CONTRACT	<input type="checkbox"/> PETITION FOR MODIFICATION OF MAGISTRATE SENTENCE
<input checked="" type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> MISCELLANEOUS CIVIL
<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> OTHER
<input type="checkbox"/> OTHER TORT	<input type="checkbox"/> APPEAL OF ADMINISTRATIVE AGENCY	

**III. JURY DEMAND** ☒ YES ☐ NO

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR):

**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE?**☐ YES ☒ NO

IF YES, PLEASE SPECIFY;

- ☐ Wheelchair accessible hearing room and other facilities.
- ☐ Interpreter or other auxiliary aid for the hearing impaired.
- ☐ Reader or other auxiliary aid for the visually impaired.
- ☐ Spokesperson or other auxiliary aid for the speech impaired.
- ☐ Other: UNKNOWN

**Attorney Name:** Michael J. Del Giudice, #982**Representing:****Firm:** CICCARELLO, DEL GIUDICE & LaFON☒ Plaintiff ☐ Defendant**Address:** 1219 Virginia Street, East, Suite 100  
Charleston, West Virginia 25301**Telephone:** (304) 343-4440**Dated:** 8/27/21Pro Se
  
 \_\_\_\_\_  
**Signature**

**FILED**

AUG 31 2021

ALIE BALL  
CLERK CIRCUIT COURT  
MERCER COUNTY

**IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA**

**DANNY R. BOWLES,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 21-C-171-W9**

**APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. DAY, Individually,**

**Defendants,**

**COMPLAINT**

NOW COMES the Plaintiff, Danny R Bowles, by counsel, who for his cause of action against the Defendants, Apollo Freight Systems, Inc., Theodore Ammons, individually, and Lori D. Day, Individually, asserts as follows:

**PARTIES**

1. Plaintiff, Danny R. Bowles, at the time of the accident was a resident of Raleigh County, West Virginia.
2. Defendant, Apollo Freight Systems, Inc., now is and at all times hereinmentioned was a corporation located in Chicago, Illinois and doing business in Mercer County, West Virginia.
3. Defendant, Lori D. Day, at the time of the accident was a resident of Saint Augustine, Florida.
4. Defendant, Theodore Ammons, at the time of the accident was an employee/agent of Apollo Freight Systems, Inc. and was a resident of Lansing, Illinois.



### **STATEMENT OF FACTS**

5. On September 17, 2019, Danny R. Bowles was a passenger in a motor vehicle being driven by Lori D. Day. Ms. Day was traveling north on I-77 in the right-hand lane, approaching a construction zone at the mile marker 17 in Mercer County, West Virginia.

6. At the same time and date, Defendant Theodore Ammons, was driving a tractor trailer for Apollo Freight Systems, Inc., traveling in the left-hand lane on I-77 approaching the construction zone at the mile marker 17 in Mercer County, West Virginia. As the left-hand lane was ending; Mr. Ammons merged into the right-hand lane striking Ms. Day's motor vehicle on the driver's side.

7. As a result of said collision, Plaintiff Danny R. Bowles has suffered severe and permanent physical and mental injuries.

### **CAUSE OF ACTION I (Negligence)**

8. Plaintiff realleges, reasserts and incorporates by reference each and every allegation set forth in Paragraphs 1 through 7 of this Complaint as if fully set forth herein.

9. Defendants had a duty to operate their motor vehicles in a reasonably prudent manner so as to prevent a collision with other motor vehicles.

10. Defendants breached said duty by colliding together and subsequently colliding into the Plaintiff's motor vehicle he was a passenger in and were otherwise negligent.



11. As a direct and proximate result of Defendants negligence, Plaintiff has incurred medical bills and other incidental expenses, and it is reasonably certain he will incur all of these into the future, for which the Defendants are liable.

12. As a further direct and proximate result of the Defendants negligence, Plaintiff has endured physical and emotional pain and suffering, annoyance and inconvenience, loss of his capacity to enjoy life, and it is reasonably certain he will continue to suffer all of these into the future, for which the Defendants are liable.

**CAUSE OF ACTION II  
(Respondent Superior)**

13. All prior paragraphs of this Complaint are restated herein and incorporated herein by reference.

14. The Defendant, Theodore Ammons, is an employee and/or agent of Defendant Apollo Freight Systems, Inc.

15. Therefore, Apollo Freight Systems, Inc. is liable for all of Defendant's negligent actions while Defendant Ammons was driving on the date of the accident.

**DAMAGES**

16. As a direct and proximate result of the Defendants' wrongful conduct, as set forth hereinabove, Plaintiff is entitled to the following damages:

- A. Past and future medical bills;
- B. Past and future mental pain and suffering;
- C. Past and future physical pain and suffering;

- D. Loss of enjoyment of life;
- E. Attorney fees; and
- F. Such other damages as may have been incurred by Plaintiff.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff asserts that the amount in controversy exceeds the necessary minimum amount required for jurisdiction in this Court and demands judgment from and against the Defendant for compensatory damages as to be determined by a jury. Plaintiff further requests that they be awarded their costs and expenses incurred in bringing this suit, including reasonable attorney fees and such other relief as the Court deems just.

**PLAINTIFF DEMANDS A TRIAL BY JURY.**

**DANNY R. BOWLES,**  
**By Counsel**



Timothy J. LaFon (#2123)  
CICCARELLO, DEL GIUDICE & LAFON  
1219 Virginia Street East, Suite 100  
Charleston, West Virginia 25301  
Phone: 304.343.4440

**COPY**

**IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA**

**DANNY R. BOWLES,**

**Plaintiff,**

**v. -**

**CIVIL ACTION NO. 21-C-171-WB**

**APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. DAY,**

**Defendants,**

**TO THE ABOVE-NAMED DEFENDANT: ----please serve:**

**APOLLO FREIGHT SYSTEMS, INC.  
517 W WRIGHTWOOD AVENUE #407  
CHICAGO, ILLINOIS 60614**

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon Michael J. Del Giudice, plaintiff's counsel, whose address is 1219 Virginia Street, East, Suite 100, Charleston, West Virginia 25301, an **Answer**, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: August 31<sup>st</sup>, 2021

  
Clerk of Court



**COPY**

**IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA**

**DANNY R. BOWLES,**

**Plaintiff,**

**v.**

**-CIVIL ACTION NO. 21-C-171-WS**

**APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. DAY,**

**Defendants,**

**TO THE ABOVE-NAMED DEFENDANT: ----please serve:**

**THEODORE AMMONS  
3622 174<sup>TH</sup> CT., APT. 2D  
LANSING, ILLINOIS 60438**

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon Michael J. Del Giudice, plaintiff's counsel, whose address is 1219 Virginia Street, East, Suite 100, Charleston, West Virginia 25301, an **Answer**, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: August 31<sup>st</sup>, 2021

Julie Ball  
Clerk of Court

**COPY**

**IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA**

**DANNY R. BOWLES,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 21-C-171-WS**

**APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. DAY,**

**Defendants,**

**TO THE ABOVE-NAMED DEFENDANT: ----please serve:**

**LORI D. DAY  
1041 FRANCIS STREET  
SAINT AUGUSTINE, FLORIDA 32084**

**IN THE NAME OF THE STATE OF WEST VIRGINIA**, you are hereby summoned and required to serve upon Michael J. Del Giudice, plaintiff's counsel, whose address is 1219 Virginia Street, East, Suite 100, Charleston, West Virginia 25301, an **Answer**, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: August 31<sup>st</sup>, 2021

Julie Ball  
Clerk of Court

7020 0090 0001 2692 4690

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

\$  
To  
\$  
Se  
\$  
St  
Ci

Postmark  
Here

**THEODORE AMMONS**  
**3622 174<sup>TH</sup> CT APT 2D**  
**LANSING, IL 60438**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7020 0090 0001 2693 4070

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage \$ \_\_\_\_\_

Total Po \$ \_\_\_\_\_

Sent To **LORI D DAY**

Street or **1041 FRANCIS STREET**

City, Sta **SAINT AUGUSTINE, FL 32084**

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

IN THE CIRCUIT COURT FOR THE COUNTY OF MERCER, WEST VIRGINIA

DANNY R. BOWLES,

Plaintiff,

v.

Case No. 21-C-171

APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. Day, Individually,

Defendants.

**ANSWER**

Apollo Freight Systems, Inc. ("Defendant"), by counsel, states as follows for its Answer to Plaintiff's Complaint:

1. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 1 of the Complaint. To the extent that any further answer be required in response to the allegations contained in Paragraph 1 of the Complaint, all allegations are denied.

2. The allegations contained in Paragraph 2 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 2 of the Complaint, all allegations are denied.

3. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 3 of the Complaint. To the extent that any further answer be required in response to the allegations contained in Paragraph 3 of the Complaint, all allegations are denied.

4. The allegations contained in Paragraph 4 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be

required in response to the allegations contained in Paragraph 4 of the Complaint, all allegations are denied.

#### **STATEMENT OF FACTS**

5. Defendant is without sufficient information to admit or deny the allegations contained in Paragraph 5 of the Complaint. To the extent that any further answer be required in response to the allegations contained in Paragraph 5 of the Complaint, all allegations are denied.

6. Defendant denies that allegations contained in Paragraph 6 of the Complaint in the manner and form alleged.

7. Defendant denies that allegations contained in Paragraph 7 of the Complaint.

#### **CAUSE OF ACTION I (Negligence)**

8. Defendant reiterates and incorporates herein its answers to the allegations of Paragraphs 1 through 7 of the Complaint.

9. The allegations contained in Paragraph 9 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 9 of the Complaint, all allegations are denied.

10. Defendant denies the allegations contained in Paragraph 10 of the Complaint.

11. Defendant denies the allegations contained in Paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

#### **CAUSE OF ACTION II (Respondeat Superior)**

13. Defendant reiterates and incorporates herein its answers to the allegations of Paragraphs 1 through 12 of the Complaint.



14. The allegations contained in Paragraph 14 of the Complaint set forth the legal conclusions of the pleader to which no response is required. To the extent any further answer be required in response to the allegations contained in Paragraph 14 of the Complaint, all allegations are denied.

15. Defendant denies the allegations contained in Paragraph 15 of the Complaint.

#### **DAMAGES**

16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.

17. Defendant consents to and join in Plaintiff's request for trial by jury.

18. Defendant denies all allegations contained in the Complaint not specifically admitted herein.

#### **AFFIRMATIVE DEFENSES**

19. Defendant denies that it is liable to the Plaintiffs in any amount, for any cause whatsoever.

20. Defendant denies that it or Defendant Ammons committed any act of negligence or wrongful conduct that was a proximate cause of Plaintiffs' alleged injuries or damages.

21. Defendant denies that Plaintiffs has been damaged in the amount and to the extent alleged in the Complaint.

22. Defendant avers that Plaintiffs' alleged injuries and damages are the result of another or others over whom Defendant had no control and for whom Defendant is not responsible at law.

23. Defendant will rely upon any and all proper and provable defenses that may be revealed through investigation, discovery or the presentation of evidence.

For the reasons set forth above, Apollo Freight Systems, Inc. respectfully request that this action be dismissed and that it be awarded its costs in defending this matter.

**APOLLO FREIGHT SYSTEMS, INC.**

By: 

Counsel

Clinton W. Verity (WVSB No. 13074)  
Harman, Claytor, Corrigan & Wellman  
P.O. Box 70280  
Richmond, Virginia 23255  
804-747-5200 - Phone  
804-747-6085 - Fax  
cverity@hccw.com

**CERTIFICATE**

I hereby certify that a true copy of the foregoing was sent via email and US Mail this 29<sup>th</sup> day of November, 2021 to:

Timothy J. LaFon (#2123)  
CICCARELLO, DEL GIUDICE & LAFON  
1219 Virginia Street East, Suite 100  
Charleston, West Virginia 25301  
304-343-4440  
TLaFon@CDLWV.com

  
Clinton W. Verity

IN THE CIRCUIT COURT FOR THE COUNTY OF MERCER, WEST VIRGINIA

DANNY R. BOWLES,

Plaintiff,

v.

Case No. 21-C-171

APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. Day, Individually,

Defendants.

**DEFENDANT APOLLO FREIGHT SYSTEMS, INC.'S FIRST REQUESTS FOR  
ADMISSION TO PLAINTIFF**

COMES NOW the defendant Apollo Freight Systems, Inc., by counsel, and pursuant to Rule 36 of the West Virginia Rules of Civil Procedure, hereby propounds the following Requests for Admission to the Plaintiff to be answered separately and fully, in writing under oath, within thirty days of service thereof:

**REQUESTS**

1. Admit that you are not seeking more than \$75,000.00, exclusive of interests and costs, from the defendants.

**RESPONSE:**

2. Admit that your damages do not exceed \$75,000.00, exclusive of interests and costs.

**RESPONSE:**



3. Admit that the amount in controversy in this lawsuit does not exceed \$75,000.00, exclusive of interests and costs.

**RESPONSE:**

4. Admit that, if a jury awards you more than \$75,000.00, exclusive of interest and costs, you will consent to a remittitur of that plaintiff's verdict to \$75,000.00.

**RESPONSE:**

5. Admit that should you increase your amount sought to over \$75,000 after one year has passed from the date of filing the lawsuit and a jury awards you more than \$75,000.00, exclusive of interest and costs, you will consent to a remittitur of that plaintiff's verdict to \$75,000.00.

**RESPONSE:**

6. Admit that if your expectations for this case change, thus making it subject to removal to Federal Court, you will advise defendant's counsel immediately and you will consent to removal to Federal Court when the case becomes "removable."

**RESPONSE:**

**APOLLO FREIGHT SYSTEMS, INC.**

By: 

Counsel

Clinton W. Verity (WVSB No. 13074)  
Harman, Claytor, Corrigan & Wellman  
P.O. Box 70280  
Richmond, Virginia 23255  
804-747-5200 - Phone  
804-747-6085 - Fax  
cverity@hccw.com

**CERTIFICATE**

I hereby certify that a true copy of the foregoing was sent via email and US Mail this 30<sup>th</sup> day of December, 2021 to:

Timothy J. LaFon (#2123)  
CICCARELLO, DEL GIUDICE & LAFON  
1219 Virginia Street East, Suite 100  
Charleston, West Virginia 25301  
304-343-4440  
TLaFon@CDLWV.com

  
\_\_\_\_\_  
Clinton W. Verity

IN THE CIRCUIT COURT FOR THE COUNTY OF MERCER, WEST VIRGINIA

DANNY R. BOWLES,

Plaintiff,

v.

Case No. 21-C-171

APOLLO FREIGHT SYSTEMS, INC.,  
THEODORE AMMONS, Individually,  
and LORI D. Day, Individually,

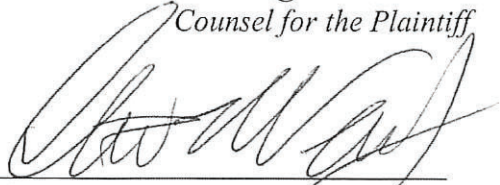
Defendants.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the "Certificate of Service" for Defendant Apollo Freight Systems, Inc.'s Requests for Admission to Plaintiff was overnighted to the Clerk of the Court and a copy of the same was emailed and mailed to the following on this 30<sup>th</sup> day of December, 2021:

Timothy J. LaFon (#2123)  
CICCARELLO, DEL GIUDICE & LAFON  
1219 Virginia Street East, Suite 100  
Charleston, West Virginia 25301  
304-343-4440  
TLaFon@CDLWV.com

*Counsel for the Plaintiff*



Clinton W. Verity (WV Bar No. 13074)  
Harman, Claytor, Corrigan & Wellman  
P.O. Box 70280  
Richmond, Virginia 23255  
804-747-5200 - Phone  
804-747-6085 - Fax  
cverity@hccw.com  
*Counsel for Apollo Freight Systems*